

**REMARKS/ARGUMENTS**

Claims 1-24 are pending. By this Amendment, the Abstract and claims 3, 9, 12, 16-17, and 19-24 are amended. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Examiner is thanked for the indication that claims 4-9 and 24 would be allowable if rewritten in independent form. However, for the reasons set forth below, claims 4-9 and 24 have not been rewritten in independent form at this time.

The Office Action rejects claims 1-3, 10, 11, 18-20, and 23 under 35 U.S.C. §102(e) as being clearly anticipated by Fernandez, U.S. Patent No. 6,760,841. This rejection is respectfully traversed.

Independent claim 1 recites a user authentication method for a remote control apparatus including, *inter alia*, confirming whether a secondary authentication process for said controlled device is required, if said user authentication was successful, and performing a secondary authentication process if the secondary authentication process is necessary. Fernandez does not disclose or suggest at least such features, or the claimed combination of independent claim 1.

Referring to Fig. 6, Fernandez discloses a method which requests and retrieves identifying and authentication information (step 508), password/pin (step 512), and biometric information (step 514). Further, the method encrypts, decrypts, and extracts all of the retrieved information and compares it against information stored on a server. Thus, Fernandez does not disclose or

suggest confirming whether a secondary authentication for a controlled device is required, if the user authentication was successful and performing a secondary authentication process if the secondary authentication process is necessary. Rather, Fernandez provides only one process for authenticating a user, as shown in Fig 6, utilizing three types of authentication information (i.e. authentication information, password/pin, biometric information) for the authentication.

Accordingly, the rejection of independent claim 1 over Fernandez should be withdrawn. Dependent claims 2-3 and 10-11 are allowable over Fernandez at least for the reason discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Independent claim 18 recites a remote control apparatus including, *inter alia*, means for confirming whether a secondary authentication for said controlled device is required, if said user authentication was successful, and means for performing a secondary authentication process if the secondary authentication process is necessary. As discussed above, Fernandez does not disclose or suggest confirming whether a secondary authentication for said controlled device is required, if said user authentication was successful, and performing a secondary authentication process if the secondary authentication process is necessary. Thus, Fernandez does not disclose or suggest the claimed means for confirming and means for performing. Further, Fernandez does not disclose or suggest the claimed combination of independent claim 18. Accordingly, the rejection of independent claim 18 over Fernandez should be withdrawn.

Independent claim 19 recites a remote control apparatus including, *inter alia*, a processor configured to confirm whether a primary and secondary authentication is required for said controlled device, and perform the primary and secondary authentication. As set forth above, Fernandez does not disclose or suggest confirming whether a secondary authentication is required for said controlled device, and performing the secondary authentication. Thus, Fernandez does not disclose or suggest the claimed processor. Further, Fernandez does not disclose or suggest the claimed combination of independent claim 19.

Accordingly, the rejection of independent claim 19 over Fernandez should be withdrawn. Dependent claims 20-24 are allowable over Fernandez at least for the reasons discussed above with respect to independent claim 19, from which they depend, as well as for its added features.

The Office Action rejects claims 12-17, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Official Notice. The rejection is respectfully traversed.

Dependent claims 12-17 and 21-22 are allowable over Fernandez at least for the reasons discussed above with respect to independent claims 1 and 19, from which they respectively depend, as well as for their added features.

Further, there must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not

support an obviousness rejection). Further, the proper analysis is whether the claims would have been obvious to one of ordinary skill in the art after consideration of all the facts, including preceding claims from which they depend. *In re Kahn* states that “[r]ejections of obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness”. 441 F.3d 977, 988, 78 USPQ 2d 1329, 1336 (Fed Cir. 2006).

It is respectfully submitted that the features of dependent claims 12-17 and 21-22 would not have been considered to be common knowledge or well known in the art at the time of the invention. Hence, the Examiner is requested to provide a reference which evidences that these features would have been known in the art at the time of the invention. Otherwise, it is respectfully submitted that this rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

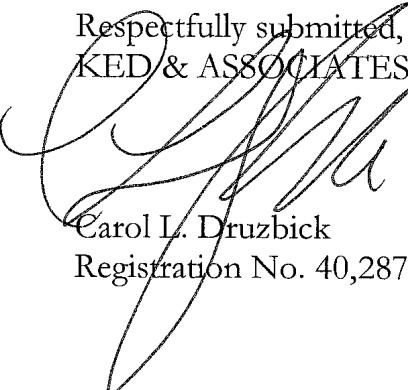
Serial No. **10/726,647**

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Reply to Office Action of August 30, 2007

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and  
please credit any excess fees to such deposit account.

Respectfully submitted,  
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